

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RAMON RODRIGUEZ, individually and
on behalf of all others similarly situated,

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VS.

CIVIL ACTION NO. G-14-0193

COWBOY'S MOBILE HOMES, INC.,
COWBOY'S SERVICES, INC., and
KEITH JANNISE,

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§

Defendant.

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ORDER

Plaintiff Ramon Rodriguez filed a Fair Labor Standards Act (FLSA) suit against three defendants: Keith Jannise and his two corporations, Cowboy's Mobile Homes, Inc., and Cowboy's Services, Inc. Keith Jannise, who is not a lawyer, answered pro se on behalf of himself and the two corporate defendants. On September 22, 2014, Rodriguez has moved for an order requiring the corporate defendants—Cowboy's Mobile Homes and Cowboy's Services—to retain counsel. (Docket Entry No. 12). None of the defendants has responded.

Title 28 U.S.C. § 1654 provides that “[i]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.” According to the Fifth Circuit, however, “the consistent interpretation of [28 U.S.C. § 1654] is that the only proper representative of a corporation or partnership is a licensed attorney, not an unlicensed layman, regardless of how close his association with the corporation or partnership.” *Sw. Express Co. v. Interstate Commerce*

Comm'n, 670 F.2d 53, 56 (5th Cir. 1982) (quotation omitted); *see also Rowland v. Cal. Men's Colony*, 506 U.S. 194, 202 (1993) ("[T]he lower courts have uniformly held that 28 U.S.C. § 1654 . . . does not allow corporations, partnerships, or associations to appear in federal court otherwise than by licensed counsel."). Because Jannise is an unlicensed nonlawyer, he may not represent the corporate defendants in this action. The court grants Rodriguez's motion, (Docket Entry No. 12). Defendants Cowboy Mobile Homes and Cowboy's Services have 45 days to retain counsel and make an appearance. Failure to do so will result in default.

SIGNED on October 27, 2014, at Houston, Texas.



Lee H. Rosenthal
United States District Judge